

BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550

IN THE MATTER OF	)	DATE: August 23, 2004
	)	
Fernando Daniels, III, M.D.	)	DOCKET NO.: 03F-161
Medical Director	)	
DC Fire and Emergency Medical Services	)	
3301 Shortridge Lane	)	
Bowie, Maryland 20721	)	

**ORDER**

**Statement of the Case**

This matter came before the Office of Campaign Finance (OCF) based upon respondent's motion for reconsideration (Motion) of the Order of the Director issued on September 25, 2003, which imposed a fine of \$2,000.00 for failure to timely file a Financial Disclosure Statement (FDS) on or before June 19, 2003 for calendar year 2002. On August 12, 2004, respondent submitted the Motion.

**Summary of Evidence**

In the Motion, respondent states that he did not receive an FDS form in 2003 as his address of record changed in December 1999 to 3301 Shortridge Lane, Bowie, Maryland 20721. It should be noted that OCF's records reflect a former address. Respondent further stated that the turnover in the Chief's position, the turnover in the position of the person normally responsible for collecting and delivering FDS forms to OCF, and the constant modifying and diminishing of his role in the agency contributed to his inability to determine whether he was required to file an FDS with OCF. Moreover, the respondent stated that when he was informed by a colleague that his name appeared on a listing of required filers, he immediately place a telephone call to OCF. On or around April 21, 2004, respondent contacted OCF and was informed by a woman to forward a notarized statement concerning his lack of knowledge of OCF's Order, and to submit FDS reports for 2003 and 2004 to satisfy the filing requirements for both years. OCF dispatched a courier to respondent's office to pick up the required FDS forms. On August 13, 2004, respondent forwarded via facsimile a copy of a memorandum dated April 21, 2004, addressed to OCF's General Counsel, to explain the prior filing delinquency.

**Findings of Fact**

Having reviewed the respondent's motion and the record herein, I find that:

1. Respondent filed the required Financial Disclosure Statement on April 21, 2004.
2. Respondent's agency failed to notify OCF of respondent's current address, or to inform respondent of his status as a current FDS filer.
3. Respondent is currently in compliance with the statute.

**Conclusions of Law**

Based upon the record and evidence herein, I therefore conclude:

1. Pursuant to the Order, In the Matter of: Fernando Daniels, III, M.D., a fine in the amount of \$2,000.00 was imposed upon respondent herein.
2. In accordance with 3DCMR §3711.5 (1999), respondent appealed this matter.
3. Respondent violated D.C. Official Code §1-1106.02.
4. For good cause shown pursuant to 3DCMR § 3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file constitutes good cause for suspension of the fine.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

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**Date**

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**Jean Scott Diggs  
Hearing Officer**

**IN THE MATTER OF: Fernando Daniels, III, M.D.**  
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**Concurrence**

In view of the foregoing, I hereby concur with the Recommendation.

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**Date**

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**Kathy S. Williams**  
**General Counsel**

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that the fine in this matter be hereby suspended.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Cecily E. Collier-Montgomery**  
**Director**

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order.

\_\_\_\_\_  
**Rose Rice**  
**Legal Assistant**

**NOTICE**

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16<sup>th</sup> day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14<sup>th</sup> Street, N.W., Washington, D.C. 20009.